



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

DEC. 1.3. 2004
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Paper Number: _____

In re application of :
Satoru Katagami et al : DECISION ON
Serial No. 10/043,244 : PETITION
Filed: January 14, 2002 :
For: APPARATUS AND METHOD FOR PRODUCING COLOR FILTERS
BY DISCHARGING MATERIAL :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT – OFFICE ACTION NOT RECEIVED, filed August 30, 2004. The petition requests withdrawal of any holding of abandonment which may be issued for failure to timely file a proper response to the Office letter (i.e. Restriction Requirement) dated February 20, 2004. The petitioner asserts that the Office letter of February 20, 2004 was not received by applicants. No actual Notice of Abandonment has as yet been mailed.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of February 20, 2004 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of February 20, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter mailed February 20, 2004 was not received. Also provided are a copy of a listing of all the responses in the Law firm with a due date of March 20, 2004 (Appendix A); a copy of a computerized docket sheet (Appendix B)) showing the docketed due dates for the instant application (Attorney Docket Number 111373); and a photocopy of the file jacket for the instant application (Appendix C); where the Restriction Requirement dated



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February 20, 2004 would have been posted in the above three docket records had it been timely received.

Therefore, the application shall be forwarded to the examiner for prompt remailing of the above noted Restriction Requirement of February 20, 2004 to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "Jmstone", is written over a horizontal line.

Jacqueline Stone, Director
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Chemical and Materials Engineering

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